

Merchantville, NJ

June 13, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, June 13, 2016. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:**

Council Present: Volkert (arrived 8:10), Swann, Grasso, Sperrazza, McLoone and Perno(arrived 7:34). Clerk Brouse, CFO Moules were present.

**PUBLIC**

**Kristina Rocchio-27 Volan Avenue**-Will 29 Volan begin work on rehab soon? Grass needs to be cut in the backyard and I sent emails to Mr. Watson. July 18<sup>th</sup> order to show cause hearing for property.

**PUBLIC HEARING ON ORDINANCE**(for second reading and adoption)

16-08 Chapter 33A, Flood Damage Prevention-None

**ADOPT ORDINANCE 16-08 Chapter 33A, Flood Damage Prevention**-On a motion of Mr. Perno and second of Mr. Grasso, Council adopted the following ordinance.

**16-08**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING CHAPTER 33A, FLOOD DAMAGE PREVENTION, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 33A, Flood Damage Prevention, is hereby added to the Code of the Borough of Merchantville, as follows:

**ARTICLE I.**

**SECTION 33A-1**

**Statutory Authorization, Findings of Fact and Statement of Purpose.**

A. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the Borough of Merchantville of Camden County, New Jersey does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the Borough of Merchantville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
  8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. In order to accomplish its purposes, this ordinance includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
  5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **ARTICLE II. SECTION 33A-2 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** — A request for a review of the Borough Clerk's interpretation of any provision of this ordinance or a request for a variance.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Existing Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood proofing** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Historic Structure** — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,

addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### **ARTICLE III.**

### **SECTION 33A-3**

### **General Provisions.**

A. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Merchantville, Camden County, New Jersey.

B. The areas of special flood hazard for the Borough of Merchantville, Community ID # 340569, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. **A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated (August 17, 2016).**

2. **"Flood Insurance Rate Map for Camden County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) whose effective date is (August 17, 2016).**

3. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 1 West Maple Avenue, Merchantville, New Jersey.

C. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Nothing herein contained

shall prevent the Borough of Merchantville, from taking such other lawful action as is necessary to prevent or remedy any violation.

D. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

G. This ordinance shall not create liability on the part of the Borough of Merchantville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder

**ARTICLE IV. SECTION 33A-4 Administration.**

A. A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Chapter 33A-3(B). Application for a Development Permit shall be made on forms furnished by the Borough Clerk and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. The Borough Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties of the Borough Clerk shall include, but not be limited to:

1. PERMIT REVIEW
  - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

2. USE OF OTHER BASE FLOOD DATA - When base flood elevation data has not been provided in accordance with Chapter 33A-3(B), the Borough Clerk shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Chapter 33A-5(A)(1) and Chapter 33A-5(A)(2).

3. INFORMATION TO BE OBTAINED AND MAINTAINED
  - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - b) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. ALTERATION OF WATERCOURSES
  - a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program

prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

5. SUBSTANTIAL DAMAGE REVIEW

a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.

6. INTERPRETATION OF FIRM BOUNDARIES - Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 33A-4(D).

D. VARIANCE PROCEDURE

1. APPEAL BOARD

a) The Joint Land Use Board as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Clerk in the enforcement or administration of this ordinance.

c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by statute.

d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Chapter 33A-4(D) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Borough Clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

2. CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Chapter 33A-4(D)(2)(d) has been

fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified Chapter 33A-4(D)(2)(d), or conflict with existing local laws or ordinances.

e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **ARTICLE V. SECTION 33A-5 Provisions for Flood Hazard Reduction**

A. In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

##### **1. ANCHORING**

a. All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

##### **2. CONSTRUCTION MATERIALS AND METHODS**

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

##### **3. UTILITIES**

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

d. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### **4. SUBDIVISION PROPOSALS**

a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. ENCLOSURE OPENINGS - All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

6. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with Chapter 33A-5(A)(1).

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- a. Be consistent with the need to minimize flood damage,
- b. Be constructed to minimize flood damage,
- c. Have adequate drainage provided to reduce exposure to flood

damage.

**ARTICLE VI.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE VII.**

This Ordinance shall take effect upon passage and publication according to law.

**ENGINEER REPORT**-Engineer provided a written report

**CORRESPONDENCE**

**COUNCIL REPORTS**

**Ms. Swann**-Shade tree, two trees fell on Glenwood between 213 and 215 Glenwood during the storm. Public Events, the Birthday celebration went well and we have a few things to change. August is National Night out, a yard sale in September. Considering Toy collectibles event maybe in September. Possible music fest first weekend in October.

**Mr. Grasso**-Court-added 288, disposed 271. Collections program close to \$50,000. Police-Gilmore and Walnut monitoring for need of possible stop sign. Bike to school day with Police. Pedestrian cross walk safety class. Meter program is working well. 1,274 calls, 150 traffic, 103 parking, keep eyes open and report any issue that they see. Still working on Police contract. Public Events-great Birthday day, National Night out, Memorial Day. Public Safety-notice that Patrolman Clark will retire on 11/1/16. 20 hrs. for 2 class two officers. August 1<sup>st</sup> target date for new person to be hired, funds are available in the budget.

**Mr. Sperrazza**-Fire- 25 calls, 82 for year. Old Engine to possibly go to the Burlington County fire department use fire truck for a few years. Possibly get reduced cost for training. Code Enforcement-9

summons, work on schedule of properties to clean and lien, 401 W Maple front porch removed as part of notice. Sidewalk grant-signed up by next week.

**Mr. McLoone**-Parks and Playground-advance funds for program. Public Works-parks upkeep, dog bags filled on Fridays, basketball nets are back up.

**Mr. Perno**-Payment of bills.

**Mayor**- Glenwood Avenue discussion-permit now needed, \$10,000 cost. Would DEP consider taking a property and creating a basin on property (retention)

Blue Acres? Funding

Mr. Leisse-any funding for the property? Possible seven year storm as opposed to 2 year storm.

Information for July meeting. Green Acres

#### **CLERK'S REPORT-**

Gazebo concrete project

Demolition of property

Roof project and borough hall

Vacation next week

Parks and Playgrounds June 27<sup>th</sup> – July 29<sup>th</sup>

Farmer's Market

#### **OLD BUSINESS**

#### **NEW BUSINESS**

**Proclamation**- Arbor Day

**Discussion**-Glenwood Avenue

Resolutions to be read by consent agenda: On a motion of Mr. Perno and second of Ms. Swann, Council approved the following resolutions by consent agenda:

#### **R16-80**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING SCOPE FOR GILMORE AND E CEDAR AVENUES FY2016 NJ DOT MUNICIPAL AID RECONSTRUCTION PROJECT**

**WHEREAS**, the Borough of Merchantville has received bids for the purpose of FY 2016 NJDOT Municipal Aid reconstruction of Gilmore and E Cedar Avenue contract number MERB of the Borough of Merchantville; and

**WHEREAS**, the base bid one (#1) of \$128,450.00 was received from Jerry and Son Excavating Inc. on March 22, 2016;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey that the base bid # of \$128,450.00 for the reconstruction of Gilmore and E Cedar Avenue of the Borough of Merchantville is hereby awarded to Jerry and Son Excavating Inc. 5981 Scranton Avenue, Mays Landing, NJ 08330, conditional upon the following:

1. That a certificate has been received from the Certified Municipal Finance Officer stating that funds are available for this Contract.
2. That the bid documents and bidding procedures have been reviewed and approved by the Municipal Solicitor.

3. That the presiding officer of this body be and is hereby directed to sign for and on its behalf the Contract for said services.
4. That the clerk of this body be and is hereby directed to seal said Contract with the corporate seal of this body and attest to the same.
5. This Resolution hereby authorizes the Mayor and Clerk to endorse the Contract document.

**R16-81**

**RESOLUTION TO RENEW ABC PLENARY RETAIL  
CONSUMPTION LICENSE**

**WHEREAS**, MANASUR INC., 2 South Centre Street has applied for renewal of their Plenary Retail Consumption License for the year ending June 30, 2016 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

**WHEREAS**, Councilor Swann, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

**WHEREAS**, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council be and is hereby authorized to issue a Plenary Retail Consumption License #0424-33-003-007 to MANASUR INC.

**R16-82**

**RESOLUTION AUTHORIZING ADVANCE PAYMENT TO  
PATRICIA FIELDS FOR THE 2016 PARKS AND RECREATION PROGRAM**

**WHEREAS**, N.J.S.A. 40A:5-16.1 permits the governing body of any local unit to authorize payment in advance toward expenses for authorized expenditures for Borough programs; and

**WHEREAS**, Patricia Fields of the Borough of Merchantville will need funds to purchase supplies for the Parks and Recreation Program scheduled from June 27, 2016 through July 29, 2016; and

**WHEREAS**, the Treasurer has certified that funds are available from the 2016 Recreation budget, Parks and Playgrounds, not to exceed \$500.00 to provide advance expense payments; and

**WHEREAS**, the Borough will verify their expenses and any excess cash will be repaid to the Borough along with a detailed bill of items or demand, and the certification or affidavit required by N.J.S.A. 40A:5-16 shall be submitted within 10 days after the completion of the Parks and Recreation Program for which the advance was made.

**NOW, THEREFORE, BE IT RESOLVED** that the treasurer is hereby instructed to make the above said payment to Patricia Field for Parks and Recreation Program expenses.

**R16-83**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY TO HIRE AN ENGINEER FOR SERVICES RELATED  
TO THE CONSTRUCTION MANAGEMENT FOR THE GILMORE AND E. CEDAR  
AVENUES RECONSTRUCTION PROJECT FY 2016 MUNICIPAL AID PROGRAM**

**WHEREAS**, the Mayor and Council of the Borough of Merchantville desire to hire an engineer for services related to construction management of the road reconstruction at Gilmore and East Cedar Avenues, in the Borough of Merchantville; and

**WHEREAS**, Pennoni Associates Inc. 515 Grove Street, Suite 1B, Haddon Heights, NJ 08035 has provided the following pricing for the Borough of Merchantville; and

**WHEREAS**, the total amount allowable will not exceed \$ 34,700.00 and include the following tasks;

Task 1- Engineering and Design	\$22,250.00
Task 2- Construction Management and Inspection	\$12,450.00
Project Total: Not to Exceed	\$34,700.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Pennoni Associates Inc. 515 Grove Street, Suite 1B, Haddon Heights, NJ 08035 will provide these services.

#### **R16-84**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING MODIFIED SCOPE OF WORK FOR THE ELECTRICAL PROJECT FOR MUNICIPAL BUILDINGS**

**WHEREAS**, it was necessary to make changes in the scope of work to be done in completing the Electrical upgrade project in various municipal buildings in the Borough of Merchantville, Camden County, New Jersey;

**WHEREAS**, a change Order was developed to itemize and authorize those changes, to repair wires going to the outside timer lights and replace outlet and pipe within the original project at Borough Hall;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Merchantville that the following Change Order which is considered to be number One (1) is hereby authorized and approval is hereby granted to revise the original contract amount from \$62,425.00 to the change order amount of \$225.00 for a total contract of \$62,650.00.

#### **R16-85**

### **RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM A RESOLUTION AUTHORIZING THE BOROUGH OF MERCHANTVILLE TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Township of Cherry Hill, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services and non-commodity items; and

**WHEREAS**, pursuant to N.J.S.A. 5:34-7.5(f), the term of the Cooperative Pricing System will commence on May 12, 2016 and will terminate May 12, 2021 as approved by the Director of the Division of Local Government Services; and

**WHEREAS**, on June 13, 2016 the governing body of the Borough of Merchantville, County of Camden, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services and non-commodity items.

**NOW, THEREFORE BE IT RESOLVED** as follows:

#### **TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Merchantville

#### **AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

#### **CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**R16-86**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF  
CAMDEN AND STATE OF NEW JERSEY ACCEPTING FINAL DELIVERABLES TO THE DELAWARE  
VALLEY REGIONAL PLANNING  
COMMISSION TRANSPORTATION AND COMMUNITY DEVELOPMENT  
INITIATIVE GRANT PROGRAM FOR TOWNE CENTER EAST**

**WHEREAS** the Borough of Merchantville, County of Camden accepted the planning grant funds from the Delaware Valley Regional Planning Commission; and

**WHEREAS** the Borough of Merchantville provided 20% of the total project cost as match in local, county, state or private fundraiser documented in-kind services; and

**WHEREAS** the Borough of Merchantville fully understood the application requirements and contracting process when awarded the planning grant funds, engaged the request for proposal and budget allocations; and

**WHEREAS** the Borough of Merchantville, signed grant agreement documents, submitted reimbursement invoices and progress reports along with necessary supporting documentation on a quarterly basis; and

**WHEREAS** the Borough of Merchantville, took all necessary actions to complete the project associated with the grant agreement within the 24 month timeframe, and submitted the final deliverable to DVRPC;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Borough of Merchantville HEREBY adopts the implementation of the final deliverables submitted to the Delaware Valley Regional Planning Commission for the grant for the Town Center East Project.

**R16-87**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the equal amount;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2016 in the sum of \$ **1,404.93**, which is now available as a revenue from the State Pursuant to the provision of the statute, and

**BE IT FURTHER RESOLVED** that the like sum of \$ **1,404.93** is hereby appropriated under the caption Special items of General Revenue; and

**BE IT FURTHER RESOLVED** that the above is a result of grants of \$ **1,404.93** from:

Donation to Merchantville Police for Reserves and Equipment

1,404.93

**TOTAL**

**1,404.93**

**R16-88**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY  
OF CAMDEN AND STATE OF NEW JERSEY APPROVING MODIFIED**

### **SCOPE OF WORK FOR THE DEMOLISION OF CERTAIN PROPERTIES**

**WHEREAS**, it was necessary to make changes in the scope of work to be done in completing the demolition of certain properties in the Borough of Merchantville, Camden County, New Jersey;

**WHEREAS**, a change Order was developed to itemize and authorize those changes, to remove two "PNC" signs to include concrete base material to the demolition of certain property;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Merchantville that the following Change Order which is considered to be number One (1) is hereby authorized and approval is hereby granted to revise the original contract amount from \$47,895.00

Decrease	Asbestos removal	\$4,000.00
Increase	Removal of two Signs and concrete	\$3,575.00
	total contract of	\$47,470.00.

#### **R16-89**

### **RESOLUTION TO RENEW ABC PLENARY RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, Tulsi Merchantville LLC, 11 West Park Avenue, has applied for renewal of their Plenary Retail Distribution License for the year ending June 30, 2017 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

**WHEREAS**, Councilor Swann, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

**WHEREAS**, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-002-009 to Tulsi Merchantville LLC.

#### **R16-90**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING EMERGENCY APPROPRIATIONS**

**WHEREAS**, an emergent condition has arisen in the Borough of Merchantville to provide Tree Removal Services due to the storm on June 8- 9, 2016; and

**WHEREAS**, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriation created including the appropriation to be created by this resolution is \$ 10,000.00; and

**WHEREAS**, said emergency appropriation shall be provided in full in the 2016 budget; and

**WHEREAS**, the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, Camden County, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that two certified copies of this resolution be filed with the Director of Local Government Services.

Ordinances for introduction on first reading. This Ordinances will be considered for adoption at the public hearing to be held during the July 11<sup>th</sup> meeting.

On a motion of Mr. Perno and second of Mr. Sperrazza council introduced the following ordinance:

**16-09**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 37, GEMS, PRECIOUS METALS & JEWELRY, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 37, Precious Metals, Gold & Jewelry, is hereby amended in the Code of the Borough of Merchantville, as follows:

**ARTICLE I. SECTION 37-1 Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

**ACCEPTABLE IDENTIFICATION** - Acceptable forms of identification include a current valid New Jersey driver's license or identification card issued by the New Jersey Motor Vehicle Commission, a current valid photo driver's license issued by another United States state, other verifiable United States government-issued photo identification with address, or valid United States passport and evidence of current address. All of the above-listed identification procedures require the dealer to capture/record evidence of the person's current address.

**ARTICLE** - Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. And as so defined in N.J.S.A. 51:6-1.

**CHIEF OF POLICE** - The Chief of Police of the Borough of Merchantville or his designee/representative.

**DATABASE** - A computerized internet-capable database with hardware and software compliant with standards set by the Chief of Police.

**DEALER** - Any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells, receives for pawn or otherwise exchanges or trades any property as described in Appendix I of this Chapter, and includes anyone advertising the purchase, sale or receipt for pawn of any of the aforementioned items.

**GIFT CARD** - A restricted monetary equivalent or scrip that is issued by retailers or banks to be used as an alternative to a nonmonetary gift.

**ITINERANT BUSINESS** - Any business conducted intermittently within the Borough of Merchantville or at varying locations.

**PAWN** - A bailment of personal property as security for any debt or engagement redeemable upon certain terms and with the implied power of sale or default.

**PERSON** - Any individual natural person, partnership, joint venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or an officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.

**PRECIOUS METALS** - Comprised of gold, silver, sterling, platinum and/or their alloys as defined in N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq. and/or N.J.S.A. 51:6A-1 et seq.; gems, gemstones, coins and all forms of jewelry herein contained.

**PUBLIC** - Individuals and other retail sellers, not to include businesses engaged primarily in wholesale transactions.

**PURCHASE** - The exchange of money or other consideration for the pledge, sale, conveyance or trade of any property described in Appendix I of this Chapter.

**REPORTABLE TRANSACTION** - Every transaction conducted by a dealer in which property described in Appendix I of this Chapter is purchased, pawned or exchanged from or with the public, as that term is defined in this section.

**SECONDHAND GOODS** - Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, other valuable articles, or as listed in Appendix I of this Chapter.

**TRANSIENT BUYER** - A dealer who has not been in any retail business continuously for at least six months at that address in the municipality where the dealer is required to register. The term "transient buyer" will also include a dealer who intends to close out or discontinue all retail business in the Borough of Merchantville within six months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1 Vendors doing business during a community event sponsored/sanctioned by the Borough of Merchantville shall not be considered a transient buyer.

**ARTICLE II. SECTION 37-4. Records to be maintained.**

A. Every dealer within the Borough of Merchantville shall, upon the purchase, receiving for pawn, or receiving for consignment of any property described in Appendix I of this article from the public, as this term is defined in Chapter 37-1, be required to:

1. Record, using a unique transaction number, the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq., and any property containing a serial number.

2. Document, through use of an electronic database software system as designated by the Chief of Police, the cost of which to be paid by the dealer, the information listed in Section 37-4(A)(3)(a) through (f), contained herein. These records shall be subject to the inspection of any sworn police officer acting in the performance of his or her duties.

3. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within 48 hours from the date of purchase, including the following information:

- a. The name, address, date of birth, telephone number, and governmental identification number of the seller.

- b. A full description of property sold or pawned by the seller including, but not limited to, marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers, owner-applied marks, face value and identifying numbers of gift cards.

- c. The price paid for the property.

- d. The entry must include the name of the clerk or the dealer who made the transaction so as to readily identify that individual.

- e. A color photograph or color image of the seller's presented governmental photo identification scanned into the transaction record.

- f. A color photograph or color image of all property sold scanned into the transaction record. When photographing or imaging, all property must be positioned in a manner that makes it readily and easily identifiable.

B. All of the above-described property cannot be sold or disposed of and shall be made available for inspection by any sworn police officer in the performance of his or her duties for a period of ten (10) business days from the date the information required above is received by the Chief of Police in the prescribed electronic format. The property shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the dealer until the ten (10) day period has expired. If the property is such that it would create a hardship on the dealer by holding the property for such period, the dealer may present the property to the Chief of Police in order that it may be photographed

and, if deemed necessary by the Chief of Police, an investigation be implemented. The Director of Police has the authority to grant the dealer a waiver of the requirements of this Section.

C. In the event of a database failure or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police. In the event that paper forms are used, the dealer is responsible to enter all required transaction information into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure of the dealer to properly maintain computer equipment in a reasonable fashion, or failure of the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this Chapter and in the revocation of the dealer's license.

D. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the Merchantville Police Department or any other sworn police officer acting in the performance of his or her duties to examine any database, book, ledger, or any other record on the premises relating to the purchase of property from the public. Merchantville Borough police officers are empowered to take possession of any property known by a police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen. A receipt will be provided to the dealer for any property seized by the Merchantville Borough Police Department.

**ARTICLE III. SECTION 37-10 Violations, penalties.**

Any person who violates any provision of this Chapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$2,000.00; and/or imprisonment for a term not exceeding ninety (90) days; and/or a period of community service not exceeding ninety (90) days. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense.

**ARTICLE IV.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE V.**

This Ordinance shall take effect thirty (30) days after passage and publication according to law.

**Payment of Bills-**On a motion of Mr. Perno and second of Mr. Volkert (Ms. Swann abstained), Council approved the payment of bills

**R16-91  
RESOLUTION**

**RESOLVED** that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

<b>CURRENT FUND</b>		<b>REVENUE</b>	<b>BUDGET</b>
CHECKS CURRENT FUND	2015 BUDGET		300.00
	2016 BUDGET		200,392.19
	GRANTS		8,318.18
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	5/13/16-6/10/16		204,491.65
WIRES / MANUAL CHECKS			10,849.88
<b>TOTAL CURRENT</b>		<b>0.00</b>	<b>424,351.90</b>

**SEWER UTILITY**

CHECKS SEWER FUND			
	2016 BUDGET		108,911.90
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	5/13/16-6/10/16		6,290.04
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
TOTAL SEWER		0.00	115,201.94
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			120,513.62
MANUAL CHECK			
WIRE TRANSFERS PAYROLL	5/13/16-6/10/16		
TOTAL CAPITAL		0.00	120,513.62
TRUST FUND			
CHECK TRUST OTHER FUND			7,501.99
WIRE TRANSFERS PAYROLL	5/13/16-6/10/16		20,472.26
WIRES / MANUAL CHECKS			2,475.33
TOTAL TRUST		0.00	30,449.58
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL	5/13/16-6/10/16		
TOTAL SEWER CAPITAL		0.00	0.00
ANIMAL TRUST FUND			
ANIMAL TRUST CHECK			4.80
TOTAL ANIMAL TRUST		0.00	4.80
TOTAL BILL LIST & MANUAL CHECKS/WIRE		0.00	690,521.84
GRAND TOTAL		\$	<b>690,521.84</b>

## ANNOUNCEMENTS

**ADJOURNMENT:** On the motion of Mr. Perno and second of Mr. Sperrazza the meeting was adjourned at 8:45 P.M.

Denise Brouse, Borough Clerk